
RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report

April 23, 2014

PRESENT: Vice-Mayor Madison Nguyen, Councilmember Pete Constant and Councilmember Pierluigi Oliverio.

ABSENT: Mayor Chuck Reed.

STAFF: Assistant City Manager Norberto Dueñas, Assistant City Attorney Ed Moran, Mayor's Agenda Services Manager Ahmad Chapman, City Manager's Agenda Services Rachelle Blattman, Agenda Desk Services Sylvie Roussell, Deputy City Clerk Suzanne Guzzetta and Deputy City Clerk Kathy Carrillo.

A. City Council (City Clerk)

1. Review April 29, 2014 Final Agenda
 - a. Add New Items to Final Agenda:
 - b. Assign "Time Certain" to Agenda Items (if needed)
 - c. Review of Items that Meet Exception Rule (if needed)

Public Comments: David Wall pulled Items 2.7(c), 3.1, and 7.1 for comments. Jim Piazza pulled Item 2.7(c) for comments.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, changes with the additions and the sunshine waiver was approved as follows. (3-0-1. Absent: Mayor.)

- a. Add New Items to Final Agenda: 1.x (Presentation of a commendation to Luis Omar Villalobos Beltrán in recognition of his selection as "Consul for a Day" as part of the Día de los Niños celebration; 2.x (Councilmember Chu's Travel to Sacramento, CA.); 2.x (Councilmember Herrera's Travel to Sacramento, CA.); 2.x (Setting Public Hearings on the Hotel Business Improvement District.)
 - b. Assign "Time Certain" to Agenda Items (if needed): Item 3.3 to be heard no earlier than 3:00 p.m.; Item 8.2 and Item 8.3 to be heard directly after the Consent Calendar.
 - c. Review of Items that Meet Exception Rule (if needed): Approved sunshine waiver on Item 4.3 for supplemental memorandums.
2. Review May 6, 2014 Draft Agenda
 - a. Add New Items to Draft Agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
 - c. Review of Items that Meet Exception Rule (if needed)

Public Comments: David Wall pulled Item 4.1 for comments.

A. City Council (City Clerk) (Cont.)

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the agenda was approved. (3-0-1. Absent: Mayor.)

B. Review of Upcoming Study Session Agenda(s)

None.

C. Legislative Update

1. State – None.

2. Federal – None.

D. Meeting Schedules

None.

E. The Public Record

Documents Filed: Memorandum from the City Clerk Toni Taber to Mayor and City Council dated April 18, 2014, transmitting the Public Record for the week of April 11, 2014 – April 17, 2014.

Public Comments: David Wall pulled Items (a-c) for further comments.

Councilmember Constant noted that the City of San José bill to LAFCO went down by 50%.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Public Record, was noted and filed. (3-0-1. Absent: Mayor.)

F. Boards, Commissions and Committees

1. Appointments
None.

2. Work Plans
None.

3. Annual Reports
None.

G. Rules Committee Reviews, Recommendations and Approvals

1. Workload Assessment for Council Requests and Referrals.

2. City Council Initiated General Plan Amendment for Dove Hill Road-GP08-08-03 (Herrera)
Initiate a General Plan amendment for GP08-08-03 to change the land use designation back to Non-Urban Hillside from Public/Quasi-Public.

Documents Filed: Memorandum from Councilmember Herrera to the Rules and Open Government Committee dated April 17, 2014, forwarding the recommendations.

Public Comment: David Wall spoke in opposition of Item G.2.

Planning, Building, and Code Enforcement staff responded to the Committee's questions.

G. Rules Committee Reviews, Recommendations and Approvals (Cont.)

Action: Upon motion by Councilmember Oliverio, seconded by Councilmember Constant and carried unanimously, to approve the recommendations, was approved. (3-0-1. Absent: Mayor.)

3. Bottle Bill Funding Elimination in Governor's 2014-2015 Budget (Environmental Services)
 - a. Pursuant to the City's streamlined process for responding quickly to legislative proposals, approve an opposition to the budget proposal eliminating Bottle Bill Funding to the cities and counties.
 - b. Approve a sunshine waiver and recommend a one-week turnaround to the City Council so that the City's legislative staff can advocate for the City's opposition to this proposal.

Documents Filed: Memorandum from Environmental Services Director Kerrie Romanow to the Rules and Open Government Committee dated April 16, 2014, forwarding the recommendations.

Public Comment: David Wall spoke in support of the elimination of the Bottle Bill Funding.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the position of opposition with a one-week turn around and a sunshine waiver was approved. (3-0-1. Absent: Mayor.)

H. Review of additions to Council Committee Agendas/Workplans

1. Community and Economic Development Committee
None.
2. Neighborhood Services and Education Committee
None.
3. Transportation and Environment Committee
None.
4. Public Safety, Finance and Strategic Support Committee
5. Rules and Open Government Committee
None.

I. Open Government

1. Appeals of Public Records Act Request
None.

J. Open Forum

Documents filed: Letter from David Wall to Mayor and City Council dated April 10, 2014, regarding Request for PUBLIC RECORD INFORMATION.

David Wall thanked the San Jose Fire Department for saving his life on Easter Sunday; and provided comments on the Public Record Information letter he submitted and code violations on a business in his neighborhood.

Jim Piazso spoke on the City of San José's unfair business practices.

J. Open Forum (Cont.)

Hannah Van Doren referred to Title 23 Chapter 2106 City Ordinance and asked that the ordinance be changed to allow her to cover her storefront window more than 25%.

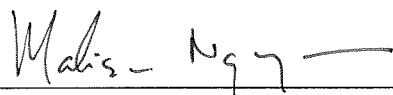
Councilmember Pierluigi Oliverio referred the storefront window issue to staff.

Sara Langton asked that her permit on the property located at 448 N. San Pedro Street be returned to commercial and residential use and Carmen Cautiverio spoke in support of Sara Langton.

Councilmember Constant referred the permit issue to staff.

K. Adjournment.

The meeting adjourned at 2:22 p.m.



Vice Mayor Madison Nguyen
Rules and Open Government Committee